

REMARKS

Applicants respectfully request reconsideration of the above-captioned application. Claims 28-59 are currently pending. The claims have been numbered in accordance with the Examiner's renumbering of the claims by Examiner's Amendment. Applicants thank the Examiner for his diligence in this regard.

Applicants respectfully note that a Ninth Information Disclosure Statement was filed on April 22, 2005 and respectfully request acknowledgment of same.

The undersigned also wishes to thank Examiner Graham for the courtesies he extended during a telephone call on October 3, 2005. The undersigned did not identify the specific application, but instead discussed Mr. Graham's general approach to reviewing claims for compliance with 35 U.S.C. §101. The undersigned has attempted to implement the Examiner's kind suggestions in the above claims, as further explained below.

Rejection under 35 U.S.C. § 101

The Office Action of April 4, 2005 includes a rejection of claims 28-59 under 35 U.S.C. §101 suggesting the claims represent only "an abstract idea but does not provide a practical application in the technological arts" and that "applicant is reminded to embed a computer or processor or module into the body of the claims 28-59 in order to overcome this §101 rejection." Applicants respectfully submit that the legal basis for requiring such a change is not particularly well founded, particularly since it depends on a "unpublished" Board opinion (*Ex parte Bowman*, 61 U.S.P.Q. 1669 (Bd. Pat. App. & Inter. 2001)). However, to expedite prosecution, the claims have been amended in a manner believed to overcome the rejection by

following the suggestions in the Office Action and on during the telephone call with the Examiner. Specifically, the claims now recite in the body of the claims that many of the method steps occur in a computer system, and therefore should meet the standard articulated in the rejection and on the telephone with Examiner Graham on October 3, 2005. Accordingly, in light of the changes, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

Rejections under 35 U.S.C. § 102(e) and 103

The Office Action also includes a rejection of claims 28-30, 37-50, 53 and 56-59 under 35 U.S.C. §102(e) as allegedly being anticipated by the Joao et al patent (U.S. Patent No. 5,903,830); and a rejection of claims 31-36, 51 and 52 under 35 U.S.C. §103 as allegedly being unpatentable over the Joao et al patent. These rejections are respectfully traversed.

The Joao et al patent is directed to a transaction security apparatus and method which, as explained for instance at column 2, is designed to provide for obtaining an authorization from and/or providing notice to a card holder before, during and/or shortly after a transaction. Specifically, as identified at column 5, lines 21-22, the apparatus is utilized to provide "card holder authorization." A central processing computer processes information and data pertinent to a transaction and to a particular card account and if other parameters meet criteria the central processing computer transmits a signal and/or data to a cardholder's communication device and thereafter waits for the cardholder to respond to the transmission in order to authorize or decline the transaction. See column 5, lines 40-43, column 6, lines 9-11 and column 6, lines 44 and 45. If the cardholder does not respond within a

prescribed time, the central processing unit may transmit limited authorization indicating that the cardholder did not necessarily authorize the transaction.

However, if the central processing computer identifies the cardholder reply as being one to authorize the transaction, then the central processing computer may transmit a signal to the point of sale terminal to notify the point of sale terminal that the transaction has been authorized and approved. See column 7, lines 29-34.

As identified at column 7, beginning at line 45, the cardholder's communication device "may be programmed so as to receive and/or to analyze the transaction information and/or data and reply or respond to same automatically and/or with preset or programmed replies and/or responses. The cardholder's communication device is said to be programmed "to limit and/or restrict the amounts and/or types of transactions", etc. as articulated at column 7, lines 49 et seq.

The entire purpose of the Joao et al. system is to provide "real-time authorization, notification and/or security of financial transactions involving credit cards."

What is wholly lacking, however, from the Joao et al patent with respect to the present claims is any sense or suggestion of "associating *the limited-use credit card number* with a *customer account number* and a set of conditions" as recited, among other things, in claim 28, the sole independent claim. This language is supported by the present specification in its articulation of the concept of a substitute or replacement credit card number so that the user's actual credit card number is not revealed over the Internet for instance, or to the merchant by other transmission means. Instead, only the limited use credit card number is exposed, thereby reducing the possibility of theft or fraud being perpetrated on the card issuer or the

card holder via his regular or actual credit card number. In this regard, applicants note that the Office, although repeating the claim language, did not address this particular aspect of the present invention by pointing to a particular disclosure in the applied art.

The undersigned has reviewed column 17, lines 37-67, and column 18, lines 1-54, column 7, lines 45-64 and column 5, lines 20-67 cited in the Office Action, and has found no suggestion for a limited use credit card number being associated with a customer account number and a set of conditions. Instead, only the customer's credit card number and a set of conditions are associated with a transaction, not a separate, limited-use credit card number.

Among the exemplary advantages of the present invention is that the user's actual credit card number is not exposed to potential interception as being transmitted over networks or by unscrupulous employees of merchants.

In summary, applicants respectfully submit that the applied art neither anticipates nor renders obvious the subject matter of claim 28 which includes, *inter alia*, associating the limited use credit card number with the customer number and a set of conditions, within the context of that claim.

As a consequence of the lack of disclosure regarding the above recitations of claim 30, it is respectfully submitted that many of the dependent claims add recitations which further remove the present invention from the applied art. For instance, there would be no reason to allocate additional limited-use credit card numbers (particularly since they don't exist in the applied art) upon a customer request and/or event trigger with only one credit card number and allocating additional credit card numbers, particularly limited-use credit card numbers, as

recited in claim 29, for instance. This is also particularly true of claim 30, where the event triggers identified as the use of a preset amount or number of limited use credit card numbers and the associated implication to the initial allocation of these sometimes one-use credit card numbers has been depleted and needs to be refreshed.

Additionally, it would be counter to the purposes of the Joao et al patent to deactivate this credit card number based on the limited-use event. Instead, the Joao et al credit card would not be deactivated upon a set of conditions associated with a limited-use credit card number being met or a limited-use event. With respect to claim 32, again there is no reason to be associating another limited-use credit card number in response to a deactivating event or allocating it to the customer account number insofar as two separate numbers are not part of the Joao et al system. With respect to claim 33, there would of course be no reason to maintain a queue of available limited use credit card numbers or assigning the limited use credit card numbers from the queue.

Applicants note that there are other distinctions in the dependent claims which additionally further remove the present invention from the applied art but will not belabor the point for sake of brevity.

Should the Office be of the opinion that the Joao et al patent discloses a limited-use credit card number that is associated with a customer account number and a set of conditions, the undersigned would appreciate citation to specific passages in the Joao et al patent identifying (1) a limited use credit card number; (2) a customer account number and (3) a set of conditions all associated with one another.

In light of the foregoing, applicants respectfully request reconsideration and withdrawal of the outstanding rejection so that the present application may pass to issuance.

Respectfully submitted,

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